United Nations CEDAW/C/PAN/CO/7/Add.1

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
27 August 2015

Original: English, French and Spanish, only

Committee on the Elimination of Discrimination against Women

Final observations on the combined fourth, fifth, sixth and seventh periodic reports of Panama

Information provided by Panama pursuant to the follow-up to concluding observations*

[Date received: 27 August 2015]

* This report has been published without editorial revision.

15-16054 (E) 270815 121015

Please recycle

1 The Committee examined the combined fourth, fifth, sixth and seventh periodic reports of Panama at its 922nd and 923rd meetings held on 1 February 2010 and expressed its gratitude for the periodic reports prepared in accordance with the Committee's earlier guidelines for the preparation of reports.

2. The Committee appreciates the frank nature of the report in assessing the challenges faced in implementing the Convention. It regretted, however, that the absence of periodic reports during the period under consideration made it more difficult to monitor progress towards the achievement of gender equality.

Introduction

3. The Committee monitoring the Convention urged the Government of the Republic of Panama to submit a follow-up report about the judicial measures adopted on equality, non-discrimination and the definition of discrimination, as well as about those aimed at protecting women's sexual health and reproductive rights and the health-care services provided to adolescent girls, particularly in rural areas, as well as about the high number of early pregnancies.

4. Following on from the recommendations of 2010, the Panamanian State disseminated through various society organisations the Committee's recommendations and, in particular, the adoption of measures to address femicide in the Criminal Code and other relevant laws within a clear timeframe, and to collect reliable data on femicides.

Recommendation – Femicide

5. The Committee welcomes Law No. 4 of 1999 and the incorporation into domestic law of a definition of discrimination in line with the Convention. It also welcomes the large number of laws which have been passed in the State party to promote gender equality and non-discrimination. However, it regrets that many of those laws have not been implemented effectively in practice.

6. While welcoming further dialogue about femicide in the State party, the Committee is concerned that this matter has not been addressed sufficiently in criminal and other laws, and that there is no reliable data on femicides in the State party.

7. The Committee recommends that the State party take all necessary measures and **allocate sufficient resources to implement, both *de jure* and *de facto*, all the legal measures** aimed at guaranteeing gender equality and non-discrimination. In this respect, it calls upon the State party to allocate sufficient financial and human resources to monitor and evaluate the implementation of these legal measures. **The Committee also urges the State party to take measures to address femicide in the Criminal Code and other relevant laws within a clear timeframe, and to collect reliable data on femicides.**

Response

8. In view of these recommendations, Law 82 of 24 October 2013 exits, "which prescribes measures to prevent violence against women and amends the Criminal Code to criminalise femicide and to punish violence against women. This law reflects a consensus within and a recognition by the Panamanian State of women's rights and manifests its commitment to addressing the problem in a comprehensive manner.

9. The law is the result of the joint effort of women's groups, which for more than ten years have advocated for violence against women, with femicide being the most lethal thereof, to be highlighted in the legal system, so that in this way the State can direct more functional public policies to prevent and eliminate violence against women.

10. This law increases the penalties for these kinds of offences and criminalises other forms of violence against women. The adoption of this criminal law is based on the fact that violence against women affects the life, physical and mental integrity, and sexual freedom of women.

11. Comprising 13 chapters, the law classifies the different forms in which violence against women can manifest itself and the circumstances under which the law can be applied, developing its guiding principles, the rights of women victims, the obligations of the State and its criminal and procedural provisions, as well as those concerning protection, penalties and compensation for damages.

12. This law establishes the National Committee for Violence against Women, attached to the National Institute for Women. Furthermore, the Ombudsman (*Defensoría del Pueblo*) chairs the Consultative Council on Gender and the Panamanian Observatory against Gender Violence, which act in co-ordination to prevent violence against women.

13. The Public Ministry, in enforcing the law, assigns functions to special public prosecutor's offices for the investigation of femicide offences in the country's various judicial districts. Until November 2014, 23 femicides and 14 attempted femicides had been registered at national level.

14. Prior to criminalising the offence in the Criminal Code, the scope of the problem was highlighted through media monitoring and the publishing of periodic reports by the Panamanian Observatory against Gender Violence. From 2009 to 2013, 317 violent deaths of women were registered, of which 204 were femicides. Additionally, in the same period, 350 persons were left motherless, the majority being under age.

15. The judiciary is working on incorporating gender mainstreaming within the field of the administration of justice. In this respect, it set up the Co-ordinating Committee for Projects to Assist Vulnerable Groups and the Gender and Access to Justice Unit, with the objective of carrying out activities aimed at facilitating access to justice. In compliance with Law 82 of 2013, it can count on the Office of Free Legal Aid to Crime Victims, where women victims of violence receive free legal assistance, irrespective of their socioeconomic situation.

16. The Judicial Training School provides training aimed at ensuring gender equality and non-discrimination against women for officials of the institution and

other bodies that work with the judiciary; improving access to justice by vulnerable segments of the population and, in particular, by women victims of gender violence; and at disseminating the regulations relating to the subject.

17. In order to consolidate the specialisation of public prosecutors and other civil servants, the Public Ministry, through the Clara González de Behringer School, has delivered courses addressing violence against women as a public problem, as well as the implementation in an effective and practical manner of the legal framework in investigations carried out according to international standards.

Recommendation – Education and sexual and reproductive health

18. The Committee is concerned by the State party's insufficient recognition and protection of women's sexual health and reproductive rights, in particular due to **the delay in the debate over draft Law 442 of 2004 on sexual and reproductive health**.

19. **The Committee urges the State party to take the necessary steps to overcome the stalemate surrounding draft law No. 442 and to promulgate it as soon as possible**. The Committee also urges the State party to improve family planning and reproductive health programmes and policies directed at giving women and adolescent girls, in particular in rural areas, effective access to information on health-care services, such as reproductive health-care services and contraception methods, in accordance with the Committee's general recommendation No. 24 on women and health, and the Beijing Declaration and Platform for Action.

20. The Committee notes with concern the high rate of maternal mortality in the State party, caused mainly by a lack of appropriate medical care, in particular for rural and indigenous women and adolescents girls. The Committee is further concerned that, owing to difficulties in enforcing existing legislation in the State party, many women are unable to obtain a legal abortion and are therefore forced to resort to illegal ones.

21. **The Committee also urges the State party to adopt without delay effective measures to resolve the problem of the high rate of maternal mortality by guaranteeing adequate pre-natal, childbirth, and post-natal care and ensuring access to health-care facilities and medical assistance provided by trained personnel in all parts of the country, particularly in rural areas**. The Committee urges the State party to adopt regulations aimed at enforcing existing legislation on women's right to abortion and to give women access to high-quality services for the treatment of complications resulting from unsafe abortions. **It invites the Ministry of Health to undertake a thorough investigation or study of unsafe abortions and their impact on women's health, in particular those resulting in maternal mortality, which will serve as the basis for legislative and policy action**. It also urges the State party to facilitate a national dialogue on women's right to reproductive health, including on the consequences of restrictive abortion laws. **The Committee regrets the lack of information available about HIV/AIDS**, as well as about the apparent feminisation of the disease in the State party, particularly among rural and indigenous women and girls.

22. The Committee calls on the State party to address the spread of HIV/AIDS, including the result of the power differential between women and men, which often prevents women from insisting on safe and responsible sex practices. It encourages the State party to strengthen its efforts to raise awareness and educate women and girls about ways of protecting themselves from HIV/AIDS, particularly in rural areas. **The Committee also urges the State party to ensure that women and girls are accorded equal rights and access to HIV/AIDS detection and related health-care and social services.** The Committee requests the State party to provide information and gender-disaggregated data on the issue of HIV/AIDS in its next periodic report.

Response

23. The Constitution of the Republic of Panama recognises that it is an essential function of the State to safeguard the health of the people of the Republic. Every person is entitled to the promotion, protection, conservation, recovery and rehabilitation of his/her health and has the obligation to preserve said health, with this being understood as complete physical, mental and social well-being.

24. In August 2014, draft Law No. 61 was submitted to the National Assembly of Deputies. This draft law seeks to establish the general regulatory basis for the recognition, guarantee, protection and care of sexual and reproductive health. This draft incorporates some of the propositions of draft Law 442, which was dropped in 2008, and enjoys the support of civil society organisations and of some public entities, such as the Ombudsman.

25. Abiding by the provisions of the Constitution, the laws of the Republic and the international agreements signed by Panama, curriculum guidelines have been developed on comprehensive, age-appropriate sex education as a basis for the content of the programmes of the country's public and private schools, with the aim of developing positive leadership skills among peers and activities in schools, such as projects on life and work, the family, sexuality and dating, among others.

26. Panama is working to devise a health promotion strategy focusing on prevention in partnership with the Pan American Health Organisation (PAHO), the United Nations Population Fund (UNFPA), the Joint United Nations Programme on HIV/AIDS (UNAIDS) and NGOs such as PROBIDSIDA. Furthermore, the necessary mechanisms are being developed to ensure the timely supply of antiretroviral drugs, including adherence to treatment. At a national level, the information system is also being designed and updated to provide access to data giving an overview of the situation with respect to sexually transmitted infections and HIV/AIDS.